

**CHAPTER 60**  
TAXATION —  
ADMINISTRATION AND RELATED CHANGES  
S.F. 322

**AN ACT** relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 257.22, Code 2009, is amended to read as follows:

257.22 STATUTES APPLICABLE.

The director of revenue shall administer the instructional support income surtax imposed under this chapter, and sections ~~422.4~~, 422.20, 422.22 to 422.31, 422.68, ~~422.70~~, and 422.72 to 422.75 shall apply with respect to administration of the instructional support income surtax.

Sec. 2. Section 321.105A, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. The director of revenue in consultation with the department of transportation shall administer and enforce the fee for new registration as nearly as possible in conjunction with the administration and enforcement of the state use tax law, except that portion of the law which implements the streamlined sales and use tax agreement. ~~The director shall provide appropriate forms, or provide on the annual registration forms provided by the department of transportation, for reporting the fee for new registration liability.~~

Sec. 3. Section 321.105A, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. A licensed vehicle dealer maintaining a place of business in this state who sells a vehicle subject to registration for use in this state shall collect the fee for new registration at the time of making the sale. A dealer required to collect the fee for new registration shall give to the purchaser a receipt for the fee ~~in the manner and form prescribed by the director collected~~. Fees collected by a dealer under this section shall be forwarded to the county treasurer in the same manner as annual registration fees.

Sec. 4. Section 422.9, subsection 4, Code 2009, is amended to read as follows:

4. Where married persons file separately, both must use the optional standard deduction if either elects to use it, and both must claim itemized deductions if either elects to claim itemized deductions.

Sec. 5. Section 422.12K, subsection 2, Code 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of revenue ~~revenue~~ administrative services and accounts identified as owing under section ~~421.17~~ 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 6. Section 422.32, subsection 3, Code 2009, is amended to read as follows:

3. "Commercial domicile" means the principal place from which the trade ~~of~~ or business of the taxpayer is directed or managed.

Sec. 7. Section 423.4, subsection 5, paragraphs b and f, Code 2009, are amended to read as follows:

b. The owner or operator of an automobile racetrack facility may apply to the department for a rebate of sales tax imposed and collected by retailers upon sales of ~~any goods, wares, merchandise,~~ tangible personal property or services furnished to purchasers at the automobile racetrack facility.

f. ~~Only the state sales tax is subject to rebate. Notwithstanding the state sales tax imposed in section 423.2, a rebate issued pursuant to this section<sup>1</sup> shall not exceed an amount equal to five percent of the sales price of the tangible personal property or services furnished to purchasers at the automobile racetrack facility.~~ Any local option taxes paid and collected shall not be subject to rebate under this subsection.

Sec. 8. Section 428.29, Code 2009, is amended to read as follows:

428.29 ASSESSMENT AND CERTIFICATION.

The director of revenue shall ~~on the second Monday of July of~~ or before October 31 each year proceed to determine, upon the basis of the data required in such report and any other information the director may obtain, the actual value of all property, subject to the director's jurisdiction, of said individual, partnership, corporation, or association, and shall make assessments upon the taxable value ~~thereof of the property,~~ as provided by section 441.21. The director of revenue shall, ~~on or before the third Monday in August~~ October 31, certify to the county auditor of every county in the state the valuations fixed for assessment upon all such property in each and every taxing district in each county by the department of revenue. This valuation shall then be spread upon the books in the same manner as other valuations fixed by the department of revenue upon property assessed under the department's jurisdiction.

Sec. 9. Section 433.4, Code 2009, is amended to read as follows:

433.4 ASSESSMENT.

The director of revenue shall ~~on the second Monday in July of~~ or before October 31 each year, proceed to find the actual value of the property of these companies in this state, taking into consideration the information obtained from the statements required, and any further information the director can obtain, using the same as a means for determining the actual cash value of the property of these companies within this state. The director shall also take into consideration the valuation of all property of these companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual cash value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business; and the property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

Sec. 10. Section 433.7, Code 2009, is amended to read as follows:

433.7 HEARING.

~~At such meeting in July~~ At the time of determination of value of the director of revenue, any company interested shall have the right to appear, by its officers or agents, before the director of revenue and be heard on the question of the valuation of its property for taxation.

Sec. 11. Section 434.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~On the second Monday in July of~~ or before October 31 each year, the director of revenue shall assess all the property of each railway corporation in the state, excepting the lands, lots, and other real estate belonging thereto not used in the operation of any railway, and excepting railway bridges across the Mississippi and Missouri rivers, and excepting grain elevators; and for the purpose of making such assessment its president, vice president, general manager, general superintendent, receiver, or such other officer as the director of revenue may designate, shall,

<sup>1</sup> See chapter 179, §39 herein

on or before the first day of April in each year, furnish the department of revenue a verified statement showing in detail for the year ended December 31 next preceding:

Sec. 12. Section 434.17, Code 2009, is amended to read as follows:

434.17 CERTIFICATION TO COUNTY AUDITORS.

On or before ~~the third Monday in August of~~ October 31 each year, the director of revenue shall transmit to the county auditor of each county, through and into which any railway may extend, a statement showing the length of the main track within the county, and the assessed value per mile of the same, as fixed by a ratable distribution per mile of the assessed valuation of the whole property.

Sec. 13. Section 437.6, Code 2009, is amended to read as follows:

437.6 ACTUAL VALUE.

On ~~the second Monday in July of~~ or before October 31 each year, the director of revenue shall proceed to find the actual value of that part of such transmission line or lines referred to in section 437.2, owned or operated by any company, that is located within this state but outside cities, including the whole of such line or lines when all of such line or lines owned or operated by said company is located wholly outside of cities, taking into consideration the information obtained from the statements required by this chapter, and any further information obtainable, using the same as a means of determining the actual cash value of such transmission line or lines or part thereof, within this state, located outside of cities. The director shall then ascertain the value per mile of such transmission line or lines owned or operated by each company specified in section 437.2, by dividing the total value as above ascertained by the number of miles of line of such company within the state located outside of cities, and the result shall be deemed and held to be the actual value per mile of said transmission line or lines of each of said companies within the state located outside of cities.

Sec. 14. Section 437A.19, subsection 2, paragraph f, unnumbered paragraph 3, Code 2009, is amended to read as follows:

The director, on or before ~~August~~ October 31 of each assessment year, shall report to the department of management and to the auditor of each county the adjusted assessed value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this subsection, the assessed value of taxpayer property in each local taxing district subject to adjustment under this section by the director means the assessed value of such property as of the preceding January 1 as determined and allocated among the local taxing districts by the director.

Sec. 15. Section 438.14, Code 2009, is amended to read as follows:

438.14 VALUATION AND CERTIFICATION THEREOF.

The director of revenue shall on or before ~~the third Monday in August of~~ October 31 each year determine the value of pipeline property located in each taxing district of the state, and in fixing ~~said the~~ value shall take into consideration the structures, equipment, pumping stations, etc., located in ~~said the~~ taxing district, and shall transmit to the county auditor of each such county through and into which any pipeline may extend, a statement showing the assessed value of ~~said the~~ property in each of the taxing districts of ~~said the~~ county. The ~~said~~ property shall then be taxed in ~~said the~~ county and lesser taxing districts, based upon the valuation so certified, in the same manner as in other property.

Sec. 16. CODE CHAPTER 423 TITLE RENAMED — CODE EDITOR DIRECTIVE. The Code editor is directed to rename the title of chapter 423 as the “Streamlined Sales and Use Tax Act”.

Sec. 17. RETROACTIVE APPLICABILITY. The section of this Act amending section 422.9 applies retroactively to January 1, 2009, for tax years beginning on or after that date.

Approved April 15, 2009

**CHAPTER 61**

## REGULATION OF LENDERS AND LENDING PRACTICES

S.F. 355

**AN ACT** relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
MORTGAGE LOAN ORIGINATORSSection 1. NEW SECTION. 535D.1 TITLE.

This chapter shall be known and may be cited as the “Iowa Secure and Fair Enforcement for Mortgage Licensing Act”.

Sec. 2. NEW SECTION. 535D.2 LEGISLATIVE FINDINGS AND PURPOSE.

The activities of mortgage loan originators and the origination or offering of financing for residential real property have a direct, valuable, and immediate impact upon this state’s consumers, its economy, the neighborhoods and communities of this state, and the housing and real estate industry. The general assembly finds that accessibility to mortgage credit is vital to the state’s citizens. The general assembly also finds that it is essential for the protection of the citizens of this state and the stability of the state’s economy that reasonable standards for licensing and regulation of the business practices of mortgage loan originators be imposed. The general assembly further finds that the obligations of mortgage loan originators to consumers in connection with originating or making residential mortgage loans are such as to warrant the regulation of the mortgage lending process. The purpose of this chapter is to protect consumers seeking mortgage loans and to ensure that the mortgage lending industry is operating without unfair, deceptive, or fraudulent practices on the part of mortgage loan originators.

Sec. 3. NEW SECTION. 535D.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. “Clerical or support duties” means, subsequent to the receipt of a residential mortgage loan application, the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and communicating with a consumer to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.
2. “Depository institution” means a depository institution as defined in 12 U.S.C. § 1813(c) and a credit union organized under the laws of this state, another state, or the United States.
3. “Federal banking agencies” means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation.
4. “Immediate family member” means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.
5. “Individual” means a natural person.
6. “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 535B, 536, 536A, or this chapter.
7. “Loss mitigation efforts” means, when a residential mortgage loan borrower is in default or default is reasonably foreseeable, working with the borrower on behalf of the residential